

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16231 of 2022

Ameerunnisa Begum Sahibas Endowment
Represented by its president Mr.SyedKhaleefathulla,
Son of Syed Niyamatulla,
Having office at No.76, pycrofts Road(Bharathi Salai),
Triplicane Chennai - 600 005. ...Petitioner

vs.

1. The District Collector,
Rajaji Salai,
62, Beach Road, George Town,
Chennai - 600 001.
2. The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai - 600 032.
3. The Tahsildar,
Mylapore Taluk,
Chennai - 600 028.

4. Sahib Basha ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to delete the name of Haji MD sifquatallah Trustee for the time being in the revenue records and incorporate the name of Ammerunnisa Begum Sahibas Endowment.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.R.P.Murugan Raja
Government Advocate for RR1 to 3

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the third respondent to delete the name of Haji MD Sifquatallah Trustee for the time being in the Revenue Records and incorporate the name of Ammerunnisa Begum Sahibas Endowment.

2. It is the case of the petitioner that the petitioner / endowment was established in the year 1837, by one Saliha Khanum @ Ameerunnisa Begum and Asmath Bibi and they dedicated two gardens comprised in R.S.No.660, Block No.12, Mylapore Taluk, Chennai. In order to regulate the Trust, a scheme suit was filed before this Court, vide C.S.No.196 of 1913. This Court, vide order dated 19.07.2015 approved the said scheme suit. When the petitioner came to know that the Revenue Records stood in the favour of one Haji Muhammed Sifqutallah Sahif, who was initially appointed as trustee, the petitioner made an application to the third respondent / official concerned dated 13.02.2020, seeking for transfer of patta in favour of the petitioner / endowment, considering the same the third respondent passed an order vide proceedings dated 28.08.2020, based on which, the second respondent forwarded the proceedings dated 13.09.2021 to the first respondent, stating that the said lands have been wrongly classified as Sarkar Poramboke instead of "Ryotwari Land". Since the same was not considered by the first respondent, the petitioner has come up with the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the first respondent to pass orders on the recommendation dated 13.09.2021 forwarded by the second respondent and pass appropriate orders on the same on merits within a particular time frame that may be fixed by this Court.

4. The learned Government Advocate appearing for the respondents 1 to 3 has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the recommendation dated 13.09.2021 forwarded by the second respondent and pass appropriate orders on the same, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any including the Wakf Board,

within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

RAP
To

1. The District Collector,
Rajaji Salai,
62, Beach Road, George Town,
Chennai - 600 001.
2. The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai - 600 032.
3. The Tahsildar,
Mylapore Taluk,
Chennai - 600 028.

+1cc to M/s.V.Raghavachari Advocate Sr.41052
+1cc to the Government Pleader Sr.41114

W.P.No.16231 of 2022

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srg 11/07/2022